

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-20 are presently pending in this case. Claims 1, 15, and 16 amended and new Claims 17-20 are added by the present amendment. As amended Claims 1, 15, and 16 and new Claims 17-20 are supported by the original disclosure,¹ no new matter is added.

In the outstanding Official Action, Claims 1 and 15 were objected to; Claims 15 and 16 were rejected under 35 U.S.C. §101; and Claims 1-3 and 15 were rejected under 35 U.S.C. §102(b) as anticipated by Yanagihara (U.S. Patent No. 5,835,668); and Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over Yanagihara in view of Acharya et al. (U.S. Patent Application Publication No. 20030194008, hereinafter “Acharya”). However, Claims 4-7, 9-14, and 16 were objected to as being dependent on a rejected base claim, but otherwise were indicated as including allowable subject matter if re-written in independent form.

Applicants gratefully acknowledge the indication that Claims 4-7, 9-14, and 16 include allowable subject matter.

The abstract is amended herewith to place it in conformance with U.S. practice. No new matter is added.

With regard to the objection to Claims 1 and 15, Claims 1 and 15 are amended to replace “device” with “apparatus.” Accordingly, the objection to Claims 1 and 15 is believed to be overcome.

With regard to the rejection of Claims 15 and 16 under 35 U.S.C. §101, Claims 15 and 16 are amended to recite a “computer readable medium,” which is article of manufacture. Accordingly, Claims 15 and 16 are in compliance with all requirements under 35 U.S.C. §101.

¹See, e.g., the specification at paragraph 119 of the publication of the application and step S7 in Figure 5.

With regard to the rejection of Claim 1 as anticipated by Yanagihara, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

checking means for checking predetermined time information of content data recorded in a first format ***by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device;***

setting means for setting, on the basis of said content data time information checked by said checking means, bits rates with which said content data is recorded from said information processing apparatus to a predetermined removable recording medium; and

recording control means for converting the format of said content data from said first format to a second format and recording the converted content data to said recording medium with said bit rates set by said setting means.

Yanagihara describes a method for recording and reproducing digital data in which a PCR value is extracted from a time compressed data packet by PCR capture circuit 4.² The outstanding Office Action apparently cited PCR capture circuit 4 of Yanagihara as “checking means.”³ However, it is respectfully submitted that Yanagihara does not describe that PCR capture circuit 4 checks the PCR value ***by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device.*** In this regard, Yanagihara does not appear to describe that PCR capture circuit 4 controls the reproduction speed of a content providing device to reproduce at a faster speed than a normal speed of the content providing device ***under any circumstances***, much less to check the PCR value. Thus, it is respectfully submitted that Yanagihara does not teach “checking means” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2-14 dependent therefrom) is not anticipated by Yanagihara and is patentable thereover.

With regard to the rejection of Claim 8 as unpatentable over Yanagihara in view of Acharya, it is noted that Claim 8 is dependent from Claim 1, and thus are believed to be

²See Yanagihara, column 4, lines 60-67.

³See the outstanding Office Action at page 5, lines 22-23.

patentable for at least the reasons discussed above. Further, it is respectfully submitted that Acharya does not cure any of the above-noted deficiencies of Yanagihara. Accordingly, it is respectfully submitted that Claim 8 is patentable over Yanagihara in view of Acharya.

Amended Claim 15 recites in part “checking predetermined time information of content data recorded in a first format ***by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device.***” As noted above, Yanagihara does not describe that PCR capture circuit 4 checks the PCR value by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device. In this regard, Yanagihara does not appear to describe that PCR capture circuit 4 controls the reproduction speed of a content providing device to reproduce at a faster speed than a normal speed of the content providing device ***under any circumstances***, much less to check the PCR value. Therefore, Yanagihara does not appear to describe checking predetermined time information of content data recorded in a first format ***by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device.*** Consequently, Claim 15 (and Claim 16 dependent therefrom) is also not anticipated by Yanagihara and is patentable thereover.

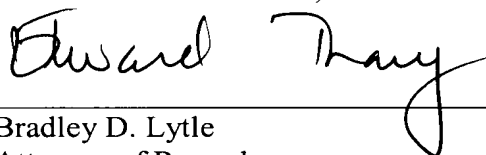
New Claims 17-20 are supported at least by original Claims 1-4, the specification at paragraph 119 of the publication of the application, and step S7 in Figure 5. New Claim 17 recites in part “a checking unit configured to check predetermined time information of content data recorded in a first format by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device.” As noted above, Yanagihara does not describe that PCR capture circuit 4 checks the PCR value ***by controlling a content providing device to reproduce at a faster speed than a normal speed of the content providing device.*** In this regard, Yanagihara does not appear to describe that PCR capture circuit 4 controls the reproduction speed of a content providing device to reproduce at

a faster speed than a normal speed of the content providing device ***under any circumstances***, much less to check the PCR value. Thus, it is respectfully submitted that Yanagihara does not teach “a checking unit” as defined in amended Claim 17. Consequently, new Claim 17 (and Claims 18-20 dependent therefrom) is not anticipated by Yanagihara and is patentable thereover.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Edward Tracy", written over a horizontal line.

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